

Executive Summary – Enforcement Matter – Case No. 50618

Exxon Mobil Corporation

RN102212925

Docket No. 2015-0828-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,975

Amount Deferred for Expedited Settlement: \$1,595

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,190

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$3,190

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 50618
Exxon Mobil Corporation
RN102212925
Docket No. 2015-0828-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 29, 2014 through February 24, 2015

Date(s) of NOE(s): May 5, 2015

Violation Information

1. Failed to report all instances of deviations. Specifically, the deviation report for the December 17, 2012 through March 31, 2013 reporting period did not include the emissions event (Incident No. 179941) that occurred on March 1, 2013 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. O1553, General Terms and Conditions].
2. Failed to submit an application to revise FOP No. O1553. Specifically, the Respondent did not submit a permit revision application to incorporate the requirements of 30 TEX. ADMIN. CODE § 117.310(c)(2)(B) for Furnace XGFO1 in FOP No. O1553 [30 TEX. ADMIN. CODE § 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. On June 1, 2015, submitted a revised deviation report for the December 17, 2012 through March 31, 2013 reporting period to include Incident No. 179941; and
- b. On September 19, 2014, submitted a minor permit revision application for FOP No. O1553 to incorporate the requirements of 30 TEX. ADMIN. CODE § 117.310(c)(2)(B).

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (See SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit revision application for FOP No. O1553 submitted on September 19, 2014 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 180 days, submit written certification that the permit revision for FOP No. O1553 has been obtained.

Executive Summary – Enforcement Matter – Case No. 50618
Exxon Mobil Corporation
RN102212925
Docket No. 2015-0828-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Eduardo Heras, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2422; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Howard C. Paul, Jr., Plant Manager, Exxon Mobil Corporation, 3525
Decker Drive, Baytown, Texas 77520
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0828-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Penalty Amount:	Six Thousand Three Hundred Eighty Dollars (\$6,380)
SEP Offset Amount:	Three Thousand One Hundred Ninety Dollars (\$3,190)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Exxon Mobil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	11-May-2015	Screening	1-Jun-2015	EPA Due	
	PCW	29-May-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102212925		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	50618	No. of Violations	2
Docket No.	2015-0828-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eduardo Heras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$4,000
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Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, two orders without denial of liability, and one final court judgment with denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$25
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$521
Estimated Cost of Compliance	\$5,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,975
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$7,975
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,975
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,595
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,380
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Screening Date 1-Jun-2015

Docket No. 2015-0828-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 50618

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 187%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, two orders without denial of liability, and one final court judgment with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 187%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 1-Jun-2015

Docket No. 2015-0828-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 50618

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1553, General Terms and Conditions

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the December 17, 2012 through March 31, 2013 reporting period did not include the emissions event (Incident No. 179941) that occurred on March 1, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

792 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended for one incomplete report.

Good Faith Efforts to Comply

10.0%

Reduction \$25

	Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
			X
N/A			(mark with x)

Notes

The Respondent achieved compliance on June 1, 2015, after the May 5, 2015 Notice of Enforcement.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$475

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 50618
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2012	1-Jun-2015	3.09	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the December 17, 2012 through March 31, 2013 reporting period to include Incident No. 179941. The Date Required is the date the report was due. The Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250
TOTAL \$39

Screening Date 1-Jun-2015

Docket No. 2015-0828-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 4 (April 2014)

Case ID No. 50618

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Eduardo Heras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 122.210(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an application to revise FOP No. O1553. Specifically, the Respondent did not submit a minor permit revision application to incorporate the requirements of 30 Tex. Admin. Code § 117.310(c)(2)(B) for Furnace XGF01 in FOP No. O1553.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

324 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the revision application for FOP No. O1553.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$483

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 50618
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	11-Jul-2014	15-Jun-2016	1.93	\$483	n/a	\$483
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit revision for FOP No. O1553 to incorporate the requirements of 30 Tex. Admin. Code § 117.310(c)(2)(B). The Date Required is the initial investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$483

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600123939, RN102212925, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600123939, Exxon Mobil Corporation **Classification:** SATISFACTORY **Rating:** 4.42

Regulated Entity: RN102212925, EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT **Classification:** SATISFACTORY **Rating:** 8.30

Complexity Points: 27 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 3525 DECKER DR BAYTOWN, TX 77520-1646, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER
P00232

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31404

WASTEWATER EPA ID TX0077887

AIR NEW SOURCE PERMITS REGISTRATION 29094

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0228H

AIR NEW SOURCE PERMITS REGISTRATION 54793

AIR NEW SOURCE PERMITS REGISTRATION 53401

AIR NEW SOURCE PERMITS REGISTRATION 56790

AIR NEW SOURCE PERMITS REGISTRATION 71717

AIR NEW SOURCE PERMITS REGISTRATION 74541

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX302M1

AIR NEW SOURCE PERMITS REGISTRATION 78611

AIR NEW SOURCE PERMITS REGISTRATION 80283

AIR NEW SOURCE PERMITS EPA PERMIT PAL6

AIR NEW SOURCE PERMITS REGISTRATION 85189

AIR NEW SOURCE PERMITS REGISTRATION 89698

AIR NEW SOURCE PERMITS REGISTRATION 87598

AIR NEW SOURCE PERMITS REGISTRATION 95582

AIR NEW SOURCE PERMITS REGISTRATION 123435

AIR NEW SOURCE PERMITS REGISTRATION 131869

AIR OPERATING PERMITS PERMIT 1553

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 31404

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0228H

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD980625966

WASTEWATER PERMIT WQ0002184000

AIR NEW SOURCE PERMITS PERMIT 3452

AIR NEW SOURCE PERMITS REGISTRATION 34420

AIR NEW SOURCE PERMITS REGISTRATION 52330

AIR NEW SOURCE PERMITS REGISTRATION 54383

AIR NEW SOURCE PERMITS AFS NUM 4820100257

AIR NEW SOURCE PERMITS REGISTRATION 55105

AIR NEW SOURCE PERMITS REGISTRATION 55660

AIR NEW SOURCE PERMITS REGISTRATION 73880

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX731M2

AIR NEW SOURCE PERMITS REGISTRATION 79047

AIR NEW SOURCE PERMITS REGISTRATION 81373

AIR NEW SOURCE PERMITS REGISTRATION 81754

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX713

AIR NEW SOURCE PERMITS REGISTRATION 87751

AIR NEW SOURCE PERMITS REGISTRATION 96117

AIR NEW SOURCE PERMITS PERMIT 102982

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX24

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX302M2

AIR OPERATING PERMITS ACCOUNT NUMBER HG0228H

STORMWATER PERMIT TXR05W813

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: June 01, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 01, 2010 to June 01, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Eduardo Heras

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/04/2010 ADMINORDER 2009-1952-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Flexible Permit 3452, Special Cond. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by better troubleshooting operations in the control room, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.
- 2 Effective Date: 08/30/2010 ADMINORDER 2009-0388-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Flexible Permit No. 3452, SC 9 PERMIT
Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions which exceeded the maximum limit of 1,200 pounds per one-hour block of highly reactive volatile organic compounds ("HRVOCs") per Plant in Harris County; and failed to maintain a flame on the Secondary Flare (emission point number ("EPN") FLARE2).
- 3 Effective Date: 09/26/2010 ADMINORDER 2010-0427-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 133144) that began on December 10, 2009, the Respondent failed to prevent a power disconnection to the propylene compressor, causing the release of 5,474.23 lbs of the HRVOCs ethylene and propylene, 728.95 lbs of other volatile organic compounds, 5,064.05 lbs of carbon monoxide, and 698.97 lbs of nitrous oxides from the Cold Ends Unit over an eight-hour period
- 4 Effective Date: 10/15/2010 ADMINORDER 2010-0134-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, the RE released 77,439 lbs of volatile organic compounds (VOCs) including 21,494 lbs of cumene, 12,349 lbs of ethylbenzene, 7,273 lbs of toluene, and 6,522 lbs of xylene. during in incident (Incident No. 124689) that lasted 77 hours and 15 minutes. The unauthorized release was due to a pluggage in the naphtha line.
- 5 Effective Date: 03/07/2011 ADMINORDER 2010-0976-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit No. 3452 and PSDTX302M2, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Permit Nos. 3452 and PSD-TX-302M2, SC 1 PERMIT
 Description: Failed to prevent unauthorized emissions.

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Flexible Permit No. 3452, SC 1 PERMIT
 FOP 01553, ST&C 14 OP
 Description: Failed to prevent unauthorized emissions.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Exxon emitted the air contaminant propylene into the atmosphere without authorization. The 53 ton propylene reportable emission event occurred from at least April 12 to June 2, 2011.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085
 Description: Exxon failed to notify Harris County and the State of a reportable emissions event within 24 hours of its discovery. Exxon's June 2, 2011 initial report occurred six days after the tubing leak was identified and repaired.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 16, 2010	(827073)
Item 2	June 17, 2010	(847198)
Item 3	July 19, 2010	(868010)
Item 4	August 09, 2010	(826829)
Item 5	August 13, 2010	(868011)
Item 6	September 01, 2010	(827147)
Item 7	September 20, 2010	(874957)
Item 8	October 01, 2010	(843534)
Item 9	October 06, 2010	(849321)
Item 10	October 08, 2010	(849193)
Item 11	October 29, 2010	(872269)
Item 12	November 08, 2010	(882563)
Item 13	November 09, 2010	(844238)
Item 14	November 22, 2010	(870026)
Item 15	December 01, 2010	(878176)
Item 16	December 08, 2010	(888991)
Item 17	December 17, 2010	(897350)

Item 18	January 06, 2011	(872643)
Item 19	January 18, 2011	(910164)
Item 20	February 17, 2011	(910163)
Item 21	March 01, 2011	(900915)
Item 22	March 17, 2011	(917369)
Item 23	March 30, 2011	(901752)
Item 24	April 20, 2011	(928154)
Item 25	May 06, 2011	(907853)
Item 26	May 09, 2011	(906427)
Item 27	May 18, 2011	(939069)
Item 28	May 23, 2011	(912608)
Item 29	June 22, 2011	(946452)
Item 30	June 24, 2011	(919492)
Item 31	July 15, 2011	(924333)
Item 32	August 19, 2011	(960343)
Item 33	August 22, 2011	(438419)
Item 34	September 22, 2011	(956758)
Item 35	October 17, 2011	(972410)
Item 36	October 26, 2011	(950774)
Item 37	November 07, 2011	(951031)
Item 38	November 10, 2011	(978562)
Item 39	November 21, 2011	(978561)
Item 40	December 19, 2011	(974299)
Item 41	December 20, 2011	(956711)
Item 42	December 21, 2011	(974660)
Item 43	December 28, 2011	(985381)
Item 44	January 20, 2012	(991663)
Item 45	February 13, 2012	(981585)
Item 46	February 15, 2012	(999009)
Item 47	February 16, 2012	(987404)
Item 48	February 27, 2012	(981384)
Item 49	March 19, 2012	(1004529)
Item 50	March 28, 2012	(976517)
Item 51	April 13, 2012	(997415)
Item 52	April 19, 2012	(1011112)
Item 53	April 23, 2012	(1001159)
Item 54	May 04, 2012	(1002298)
Item 55	May 14, 2012	(996577)
Item 56	May 15, 2012	(1006502)
Item 57	May 21, 2012	(1017468)
Item 58	May 22, 2012	(1006392)
Item 59	June 05, 2012	(997369)
Item 60	June 18, 2012	(1025267)
Item 61	June 27, 2012	(987513)
Item 62	July 18, 2012	(1009691)
Item 63	July 19, 2012	(1032607)
Item 64	August 13, 2012	(1007213)
Item 65	August 17, 2012	(1039032)
Item 66	August 27, 2012	(1015718)
Item 67	September 13, 2012	(933348)
Item 68	September 20, 2012	(1047958)
Item 69	September 28, 2012	(1034754)
Item 70	October 18, 2012	(1030731)
Item 71	October 22, 2012	(1066339)
Item 72	November 26, 2012	(1066340)
Item 73	December 17, 2012	(1066341)
Item 74	January 22, 2013	(1081260)
Item 75	January 28, 2013	(1051215)

Item 76	February 20, 2013	(1081259)
Item 77	March 06, 2013	(1041260)
Item 78	March 18, 2013	(1090417)
Item 79	March 25, 2013	(1054209)
Item 80	April 22, 2013	(1096773)
Item 81	May 20, 2013	(1077350)
Item 82	June 17, 2013	(1111371)
Item 83	July 19, 2013	(1118270)
Item 84	July 31, 2013	(1098970)
Item 85	August 06, 2013	(1100852)
Item 86	August 20, 2013	(1126060)
Item 87	September 23, 2013	(1130618)
Item 88	October 18, 2013	(1136382)
Item 89	October 29, 2013	(1116492)
Item 90	November 13, 2013	(1141764)
Item 91	December 20, 2013	(1148228)
Item 92	January 13, 2014	(1133379)
Item 93	January 22, 2014	(1154301)
Item 94	February 24, 2014	(1161618)
Item 95	March 21, 2014	(1150174)
Item 96	March 24, 2014	(1168252)
Item 97	April 23, 2014	(1175413)
Item 98	May 14, 2014	(1181606)
Item 99	June 23, 2014	(1188501)
Item 100	July 21, 2014	(1200238)
Item 101	August 22, 2014	(1200239)
Item 102	September 23, 2014	(1185507)
Item 103	October 09, 2014	(1190564)
Item 104	October 10, 2014	(1186802)
Item 105	October 23, 2014	(1213279)
Item 106	November 14, 2014	(1202718)
Item 107	November 20, 2014	(1219533)
Item 108	December 29, 2014	(1184172)
Item 109	January 26, 2015	(1232258)
Item 110	February 20, 2015	(1227426)
Item 111	February 23, 2015	(1227586)
Item 112	February 26, 2015	(1243335)
Item 113	March 18, 2015	(1230370)
Item 114	March 24, 2015	(1249701)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/26/2014	(1152736)	CN600123939
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP, Special Terms and Conditions 1A OP		
	Description:	Failure to continuously operate the HRVOC monitoring system at least 95 percent of the time when the flare is operational during the 2012 calendar year. Category C1		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 24 OP NSR Special Condition 29(D)(3) PERMIT		
	Description:	Failure to prevent exceeding the permitted 880 bbl/hr re-fill rate limit for Tank (EPN: ZTK05) with a "landed" roof. Category C4		
	Self Report?	NO		Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Condition 1A OP

Description: Failure to latch the hatch on fixed roof tank (EPN: UTRAC1).
Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
30 TAC Chapter 115, SubChapter H 115.725(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Condition 1A OP

Description: Failure to follow all of the applicable HRVOC monitoring and/or testing requirements.
Category B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent exceeding the NH3 limit during furnace start-up.
Category B14

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP

Description: Failure to include all deviations in the April 18, 2013 deviation report.
Category A4

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter C 116.186(b)(8)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms and Conditions 24 OP
NSR Special Condition 20 PERMIT

Description: Failure to include the CEMS data substitution in the PAL semiannual reports.
Category C3

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to include the ammonia (NH3) state requirement for Furnace XGF01 in the FOP O-01553.
Category A4

2 Date: 05/05/2015 (1196387) CN600123939

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
30 TAC Chapter 115, SubChapter H 115.725(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms and Condition 1A OP

Description: Failure to follow all of the applicable HRVOC monitoring and/or testing requirements.
Category B1

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102212925**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0828-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant located at 3525 Decker Drive in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 10, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Nine Hundred Seventy-Five Dollars (\$7,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand One Hundred Ninety Dollars (\$3,190) of the administrative penalty and One Thousand Five Hundred

Ninety-Five Dollars (\$1,595) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand One Hundred Ninety Dollars (\$3,190) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On June 1, 2015, submitted a revised deviation report for the December 17, 2012 through March 31, 2013 reporting period to include Incident No. 179941; and
 - b. On September 19, 2014, submitted a minor permit revision application for Federal Operating Permit ("FOP") No. O1553 to incorporate the requirements of 30 TEX. ADMIN. CODE § 117.310(c)(2)(B).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1553, General Terms and Conditions, as documented during an investigation conducted from December 29, 2014 to February 24, 2015. Specifically, the deviation report for the December 17, 2012 through March 31, 2013 reporting period did not include the emissions event (Incident No. 179941) that occurred on March 1, 2013.

2. Failed to submit an application to revise FOP No. O1553, in violation of 30 TEX. ADMIN. CODE § 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted from December 29, 2014 to February 24, 2015. Specifically, the Respondent did not submit a permit revision application to incorporate the requirements of 30 TEX. ADMIN. CODE § 117.310(c)(2)(B) for Furnace XGF01 in FOP No. O1553.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2015-0828-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand One Hundred Ninety Dollars (\$3,190) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit revision application for FOP No. O1553 submitted on September 19, 2014 within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 180 days after the effective date of this Agreed Order, submit written certification that the permit revision for FOP No. O1553 has been obtained. The

certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ron Maric
For the Executive Director

11/8/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
 - Greater scrutiny of any permit applications submitted;
 - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
 - Increased penalties in any future enforcement actions;
 - Automatic referral to the Attorney General's Office of any future enforcement actions; and
 - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.

Howard C. Paul Jr.
Signature

September 9, 2015
Date

Howard C. Paul Jr.
Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-0828-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Penalty Amount:	Six Thousand Three Hundred Eighty Dollars (\$6,380)
SEP Offset Amount:	Three Thousand One Hundred Ninety Dollars (\$3,190)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

Exxon Mobil Corporation
Agreed Order - Attachment A

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Exxon Mobil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.